

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Hironobu NAGOH et al.

Application No.: 10/567,790

Confirmation No.: 2691

Filed: February 9, 2006

Art Unit: 1796

For: CURABLE COMPOSITION

Examiner: M. Bernshteyn

**REQUEST FOR REFUND**  
**(IMPROPER CHARGE OF DEPOSIT ACCOUNT)**

MS 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account 02-2448 shown on the statement for the month of January, 2010 for the above-identified

☒ application

☐ patent

☒ A copy of the monthly statement in which the error referred to occurs, accompanies this request.

## II. FEES CHARGED FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND <u>REQUESTED</u>
<input type="checkbox"/> filing fee	_____
<input type="checkbox"/> search fee	_____
<input type="checkbox"/> examination fee	_____
<input type="checkbox"/> surcharge for filing the basic filing on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
and/or	
<input type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
<input checked="" type="checkbox"/> extension of term	
<input checked="" type="checkbox"/> first month	<u>130.00</u>
<input type="checkbox"/> second month	_____
<input type="checkbox"/> third month	_____
<input type="checkbox"/> fourth month	_____
<input type="checkbox"/> excess claims	_____
<input type="checkbox"/> issue fee	_____
<input type="checkbox"/> petition fee	_____

- ☐ patent maintenance fee \_\_\_\_\_
- ☐ first maintenance fee \_\_\_\_\_
- ☐ second maintenance fee \_\_\_\_\_
- ☐ third maintenance fee \_\_\_\_\_
- ☐ patent maintenance fee surcharge \_\_\_\_\_
- ☐ Other: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

TOTAL REFUND REQUESTED

130.00

## III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

A response was due to be filed in the USPTO on December 21, 2009 (Office Action mailed September 21, 2009). Our response was filed in the USPTO on December 22, 2009 due to the Closing of the United States Patent and Trademark Office on Monday, December 21, 2009, which was considered a Federal holiday (see the attached announcement dated December 23, 2009). Please credit our deposit account in the amount of \$130.00.

IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Dated:

JUN 14 2010

Respectfully submitted,

By



GARTH M. DAHLE ✓  
USPTO #43,575

Marc S. Weiner

Registration No.: 32,181

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Attachment(s)

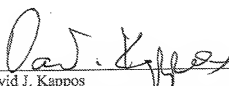
**Closing of the United States Patent and Trademark Office  
on Monday, December 21, 2009**

In view of the official closing of the Federal Government offices in the Washington, D.C. metropolitan area, including the United States Patent and Trademark Office (USPTO), on Monday, December 21, 2009, the USPTO will consider Monday, December 21, 2009, to be a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21(b) and 37 C.F.R. §§ 1.6, 1.7, 1.9, 2.2(d), 2.195 and 2.196. Any action or fee due on Monday, December 21, 2009 (or the preceding Saturday (December 19, 2009) or Sunday (December 20, 2009)) will be considered as timely for the purposes of, e.g., 15 U.S.C. §§ 1051(b), 1058, 1059, 1062(b), 1063, 1064, 1126(d), or 35 U.S.C. §§ 119, 120, 133 and 151, if the action is taken, or the fee paid, on the next succeeding business day on which the USPTO is open, that is, Tuesday, December 22, 2009. 37 C.F.R. §§ 1.7(a) and 2.196.

37 C.F.R. §§ 1.6(a)(2), 2.195(a)(4) and 2.198 provide that correspondence deposited in the Express Mail Service of the United States Postal Service (USPS) in accordance with 37 C.F.R. §§ 1.10 or 2.198 will be considered filed on the date of deposit (as shown by the "date-in" on the Express Mail mailing label) with the USPS. Thus, any paper or fee properly deposited in the Express Mail Service of the USPS on Monday, December 21, 2009, in accordance with 37 C.F.R. §§ 1.10 or 2.198 will be considered filed on its respective date of deposit in the Express Mail Service of the USPS (as shown by a "date-in" of December 21, 2009, on the Express Mail mailing label).

37 C.F.R. § 1.6(a)(4) and 37 C.F.R. § 2.195(a)(2) provide that patent and trademark-related correspondence transmitted electronically to the USPTO will be considered filed in the USPTO on the date the USPTO received the electronic transmission. Thus, any patent and/or trademark-related correspondence transmitted electronically to the USPTO on Monday, December 21, 2009, will be considered filed in the USPTO on the date the USPTO received the complete electronic transmission. Correspondence successfully received by the USPTO through the patent Electronic Filing System (EFS-Web) will receive the date as indicated on the Acknowledgement Receipt.

Date: 12/21/09

  
David J. Kappos

Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office



**United States  
Patent and  
Trademark Office**

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KOLASCH & BIRCH

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COPY

**BIRCH, STEWART, KOLASCH & BIRCH, LLP  
Jan 2010 Deposit Account Reconciliation**

Date	Reference No.	Docket Number	PTO Fee Code	BSKB Cost Code	Fee
14-Jan	10567790	1691-0215PUS1	1251	DX	\$130.00